



Paraguay

Country Reports on Human Rights Practices - [2001](#)

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Paraguay is a constitutional republic with three branches of government. The President is the Head of Government and Head of State; he cannot succeed himself. Colorado Party Senator Luis Gonzalez Macchi assumed the presidency in March 1999; in August 2000, voters elected Julio Cesar Franco of the Liberal Party to be Vice President. The bicameral Congress is made up of a 45-member Senate and an 80-member Chamber of Deputies. The Colorado Party, the dominant political party, holds a small majority in both houses of Congress; however, factional differences within the Party result in shifting alliances depending on the issue. In August the lower house voted down impeachment charges based on poor performance of duties and corruption against the President and Vice President. The Constitution provides for an independent judiciary; however, although the Supreme Court continued to undertake judicial reforms, the courts remain inefficient and subject to corruption and political pressure.

The military generally no longer plays an overt role in politics; however, members of two army units and a group of National Police officers participated in an attempted coup in May 2000. The National Police force has responsibility for maintaining internal security and public order, and it reports to the Ministry of the Interior. The civilian authorities generally maintain effective control of the security forces. Members of the security forces committed some human rights abuses.

The country has a population of approximately 5.6 million and a market economy with a large state presence and a large informal sector. The formal economy has been in a recession for the past 5 years. In 2000 economic growth declined by 0.4 percent in real terms. According to preliminary figures for 2000, gross domestic product (GDP) was \$7.7 billion (35.4 trillion guaranies). The GDP per capita (\$1,506) has fallen steadily and is lower in real terms than it was 10 years ago. An estimated 32 percent of the population is employed in agriculture, which provides 30 percent of the GDP. Hydroelectric power, agricultural products, and cattle were the most important export items. The informal economy, estimated at 50 percent of the value of the formal sector, has shrunk considerably in the last few years and suffered a severe blow with the implementation of stricter border controls by the Brazilian Government on the important crossroads of Ciudad del Este. Wealth continues to be concentrated in a small upper class, with both urban and rural areas supporting a large subsistence sector.

The Government generally respected the human rights of its citizens in most areas; however, serious problems continued in some areas. The police and military committed some extrajudicial killings. Incidents of torture and abuse of convicted prisoners and other detainees continued. Mistreatment of conscripts and poor prison conditions were problems. Other problems include arbitrary arrests and detention, lengthy pretrial detention, corruption and inefficiency in the judiciary, and infringements on citizens' privacy rights. The Government established an Inter-Institutional Commission to review human rights matters, particularly with regards to underage military recruits. The recruitment and conscription of underage minors continued, although a court convicted one military officer of enlisting minors. Police used force against nonviolent demonstrators. Violence and discrimination against women, abuse of children, and discrimination against persons with disabilities and indigenous people are problems. Worker rights are not adequately protected, and child labor exists.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary and Unlawful Deprivation of Life

The police and military were responsible for over a dozen extrajudicial killings.

In January police in Capiata killed four men who were fleeing after they allegedly robbed a supermarket. One policeman was injured during the incident. There was no information regarding any investigation by year's end.

In November eight police officers allegedly shot Miguel Angel Casco Valdovinos four times in the head while trying to elicit a confession from him. In December the officers were arrested and charged with Valdovinos's murder.

In July guards shot and killed 18-year-old inmate Benito Augusto Adorno during the riot and fire that resulted in the closure of the Panchito Lopez juvenile prison (see Section 1.c.). At year's end, prosecutors were investigating the incident to determine whether the killing was carried out in self-defense.

At least 25 prisoners died during the year due to violence and a fire in 1 prison (see Section 1.c). In April a 14-year-old inmate at the Neuropsychiatric Hospital died amid allegations of neglect and mistreatment; there was no investigation (see Section 5).

At least three soldiers under the age of 20 died while in military service during the year. In April conscript Hector Adan Maciel died from a gunshot wound. Military authorities investigated and concluded that the shooting was an accidental homicide caused by a fellow soldier, who was punished in military court. In May Gustavo Baez was killed in a shooting that authorities again concluded was accidental. In November Mariano Riveros was killed at the police station where he was posted; the authorities still were investigating the case at year's end.

In May a court convicted four police officers and sentenced them to 4 years and 5 months imprisonment for using excessive force in the fatal shooting of a suspected thief in March 2000.

No further information was available regarding the disposition of extrajudicial killings from previous years, including cases of 3 persons killed during a January 2000 land eviction and 10 men killed in an armored vehicle robbery in Itakry.

As of year's end, prosecutors still were investigating the September 2000 death of juvenile military recruit Pedro Centurion.

In August a prosecutor filed discovery motions in the continuing investigation of Jose "Coco" Villar, whom police killed in 1999. The case was pending in the prosecutor's office as of year's end.

There were several developments in the March 1999 killing of Vice President Luis Maria Argana and seven antigovernment protesters during the year (see Section 1.d.). Former army commander Lino Oviedo faces charges stemming from his alleged involvement in these killings. The Government of Brazil denied the petition by the Government of Paraguay to extradite Oviedo. At year's end, Oviedo remained in Brazil awaiting a final determination on his status. Oviedo also faces charges for his alleged involvement in a failed coup attempt in May 2000 (see Section 3).

In November a criminal court convicted five men of murder in conjunction with violence in the killing of the Vice President and seven protesters. Three others convicted in the murder of Vice President Argana were serving prison sentences at year's end.

In November a criminal court convicted Camillo Almada, Alberto Cantreo, and Sabino Montando of the 1975 murder and torture of Octavio Ruben Gonzalez Acosta. Former military dictator Alfredo Stroessner was named as a defendant in the action.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture as well as cruel, inhuman, or degrading punishment or treatment; however, torture (primarily beatings) and brutal and degrading treatment of convicted prisoners and other detainees continued. The Paraguay Human Rights Coordinating Board (CODEHUPY)--a group of 32 (nongovernmental

organizations (NGO's), civic organizations, and trade unions--reported several cases of police torture and other abusive treatment of persons, including women and children, designed to extract confessions, punish escape attempts, or intimidate detainees. The Attorney General's office and the Committee of Churches compiled numerous examples of police abuse.

In May Antonio Caceres Caniza, a police officer, alleged that nine transportation police officers handcuffed and beat him after he refused to pay them a bribe. A prosecutor filed charges against the officers.

CODEHUPY reported a complaint alleging that in March police in San Estanislao tortured a suspect, whom they had arrested in a raid, during interrogation. In September 15-year-old Julio Cesar Medina alleged that he was beaten by Asuncion police who arrested him. He was arrested based on an anonymous tip that described a robbery suspect as a 25-year-old man.

In June prosecutors opened an investigation into whether police officers beat an off-duty police official in San Juan Bautista, Misiones.

In May 2000, during the state of exception imposed after the aborted coup attempt, several of those arrested reported being tortured during their detention (see Sections 1.d. and 3). Some of these persons reported that former Interior Minister Walter Bower witnessed and encouraged the beatings of suspects in three unrelated cases. In June prosecutors filed charges against Basilio Pavon and Osvaldo Vera, two police officers, alleging that on Bower's orders they tortured Alfredo Caceres and Jorge Lopez in the aftermath of the coup attempt.

Press reports also connected Bower to the torture of eight peasants in Concepcion in March 2000; police reportedly beat them in Bower's presence after they were arrested for illegally cutting down trees. In October 2000, Bower was removed as Minister of the Interior. In April the Chamber of Deputies revoked Bower's immunity as a member of Congress, and in August prosecutors completed their investigation of these incidents and charged Bower with torture and other crimes. In December Saul Lenardo Franco filed a complaint alleging that Bower and three police officers had tortured him following the failed coup attempt. Legal action against Bower was pending at year's end.

Police used force to disperse protesters on several occasions, sometimes seriously injuring civilians (see Section 2.b.).

There were several allegations of mistreatment of military recruits by noncommissioned and commissioned officers. Recruits commonly charged that the military does not give them enough to eat and forces them to hunt wild animals or steal cattle for food. Many recruits have claimed that they were tortured or beaten while fulfilling their mandatory service obligations. For example, in June a judge found that soldier Arnaldo Cabanas suffered mental and physical injuries after being jailed for 9 months in a military prison; he was discharged from military service. There is no information on any charges against those who caused Cabanas's injuries.

In August military leaders signed an agreement with the Inter-American Institute of Human Rights agreeing to respect human rights. Under this agreement, the armed forces formally recognized the applicability of human rights principles within its ranks. This was in addition to a nationwide agreement signed in October 2000 by the Foreign Ministry with the institute.

The congressional and other delegations that visited the barracks during the year did not report any cases of mistreatment or torture.

In June a judge filed a petition to extradite former military dictator Alfredo Stroessner from Brazil, where he has been in self-imposed exile since he was deposed in 1989. The Government believes that there are still several cases of torture and abuses pending from the Stroessner regime (1954-89). In September the Court of Appeals upheld a 13-year prison sentence against General Ramon Duarte Vera for torture committed during the Stroessner regime. The court held that General Duarte could be convicted for crimes committed before the 1992 Constitution was adopted.

Prison facilities are deficient and prison conditions are extremely poor. Overcrowding, unsanitary living conditions, and mistreatment are the most serious problems affecting all prisoners. Tacumbu prison, the largest in Asuncion, was built to hold 800 inmates but houses over 1,500. Other regional prisons generally hold about three times more inmates than originally planned. UNICEF reported that conditions were substandard in other facilities around the country, especially in the prison in Coronel Oviedo. In December a fire and riot at the Alto Parana Regional Penitentiary in Ciudad del Este left 24 inmates dead and over 200 injured. Security is a problem in the prison system. For example, there are approximately 120 guards for over 1,500 prisoners at Tacumbu prison.

The Congressional Human Rights Commission has criticized the prisons for their poor nutritional standards. Prisons generally serve one meal a day, and prisoners seldom get vegetables, fruit, or a meat protein source, unless they have individual means to purchase them. Prisons have separate accommodations for well-to-do prisoners, which ensure that those with sufficient means receive far better treatment than other prisoners. Pretrial detainees are not held separately from convicted prisoners.

At the Asuncion women's prison, Buen Pastor, there have been several reported rapes of prisoners by their guards, although laws governing prisons forbid male guards in the women's prisons. Conditions in the women's prison are better than at Tacumbu, with less overcrowding. A small number of women are housed in predominantly male facilities, where they are segregated from the male population.

In April Amnesty International issued a report criticizing the conditions in the Panchito Lopez juvenile detention facility in Asuncion, citing overcrowding and substandard conditions. As of July, the prison, designed for 160 youths, housed 248 inmates. According to Amnesty International, the cells were overcrowded, overheated, and filthy, with few toilet or washing facilities. Amnesty International said that in January, 193 of the 201 prisoners were in pretrial detention; only 8 inmates had been convicted and sentenced. Panchito Lopez housed juveniles from all over the country who were awaiting trial. In its report, Amnesty International notes that prison authorities allegedly retaliated against inmates who met with Amnesty International during its investigation, although the prison director denies this. The UNICEF noted that inmates at Panchito Lopez were kept in isolation cells, although this practice is not consistent with international standards.

Amnesty International reported in April that five youths (Jorge Herebia, Rafael Pereira, Oscar Acuna, Die Acosta, and Jimmy Orlando Dos Santos) detained in the Panchito Lopez Juvenile Center were tortured and mistreated. In a September report, Amnesty stated that youths were kicked, beaten, suspended upside down, had plastic bags put over their heads, beaten on the back with a hammer, and had their feet scalded. Some children also reported being denied food, drink, or access to toilets, sometimes for several days.

With only nine guards on duty at a time, Panchito Lopez's inmates frequently set fires and caused other disturbances. In February a fire injured nine detainees, and in July a riot-related fire destroyed the institution. During the July incident, guards shot and killed one inmate (see Section 1.a.). Amnesty International expressed concern when 146 of the juvenile inmates were transferred to the maximum-security prison in Emboscada, Cordillera. While the juveniles are segregated from the adult population, the Emboscada facility, which was built as a military barracks about 1903, is extremely overcrowded. In September another inmate killed one of the juveniles transferred from Panchito Lopez. In September Richard Daniel Martinez, an 18-year-old inmate at the Emboscada maximum-security prison, was killed by another inmate; both youths had been transferred to the adult facility after the closure of the Panchito Lopez facility. During temporary detention at the adult Emboscada facility, other juveniles raped at least two minors. Other juveniles were transferred to prisons nationwide. The authorities planned to transfer all juvenile detainees to new facility for juveniles in Itagua in September; however, at year's end, the facility was not complete. This facility's capacity is not sufficient to house the existing population of juvenile prisoners; the Justice and Labor Ministry were seeking additional space at year's end.

In December juvenile inmates at the Itagua youth detention center rioted and set fires. Official sources acknowledge that at least 27 inmates escaped, and unofficial estimates were as high as 70.

The Government permits independent monitoring of prison conditions by human rights organizations. Amnesty International and UNICEF, along with government officials and diplomatic representatives, have been granted access to prisons on announced and unannounced visits.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention are persistent problems. The Constitution prohibits detention without an arrest warrant signed by a judge and stipulates that any person arrested must appear before a judge within 24 hours to make a statement. The police may arrest persons without a warrant if they catch them in the act of committing a crime, but they must notify a prosecutor within 6 hours. In practice the authorities do not always comply with these provisions.

In August the armed forces announced a campaign to stop arbitrarily young men in the streets to see if they had complied with their military service obligations; however, within a week, the armed forces cancelled the campaign after criticism from civic and human rights groups and inquiries from Congress and local governments. Pretrial detention remains a serious problem; an estimated 75 percent of persons in prison were held pending trial, many for months or years after their arrest. While the law encourages speedy trials, the Constitution permits detention without trial until the accused completes the minimum sentence for the alleged crime, which often occurs in practice. Judges have the discretion to permit "substitute measures," such as

house arrest, in place of bail for most crimes. Judges frequently set relatively high bail, and many accused persons are unable to post bond. The Supreme Court and many criminal court judges also make quarterly visits to the prisons to identify and release improperly detained individuals.

The authorities arrested over 45 persons in connection with the 1999 assassination of Vice President Argana and the killing of student protesters (see Section 1.a.). Many of those arrested were well-known political figures, including legislators allied with the former Government. There was little evidence presented to support the charges against most of them, and most of the accused were held without bail, leading some observers to question whether due process had been observed. According to the Attorney General's office, at least 10 of those detained remained in jail awaiting trial at year's end, and approximately 5 prominent suspects, who had been remanded to house arrest or other alternative detention, had not yet been cleared of the charges against them; therefore, they remained in an uncertain legal status. The Government restricts the movement of persons allegedly suspected of plotting the coup (see Section 2.d.).

The Constitution expressly prohibits exile, and the Government does not use it.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, judges often are pressured by politicians and other interested parties. There are credible reports of political pressure affecting judicial decisions; however, the judiciary is not allied with any one political group.

The nine-member Supreme Court appoints lower court judges and magistrates, based upon recommendations by the magistrate's council. There are five types of appellate tribunals: Civil and commercial, criminal, labor, administrative, and juvenile. Minor courts and justices of the peace fall within four functional areas: Civil and commercial, criminal, labor, and juvenile. The military has its own judicial system.

The judicial system remains relatively inefficient and has insufficient resources. The March 2000 Penal and Criminal Procedures Code, provides the legal basis for the protection of fundamental human rights. The new Code introduced expedited oral proceedings, and requires prosecutors to bring charges against accused persons within 180 days. Defendants enjoy a presumption of innocence, and defendants and the prosecutor may present the written testimony of witnesses as well as other evidence. The judge alone determines guilt or innocence and decides punishment. A convicted defendant may appeal his or her sentence to an appeals court, and the Supreme Court has jurisdiction over constitutional questions.

The new system has reduced the backlog of pending criminal cases: 95 percent of those cases active in 1999 had been resolved by March. The average length of a criminal proceeding has dropped by 75 percent, resulting in a reduction of the length of pretrial detention; however, the average time from arrest to trial is still approximately 240 days. The long trial period highlights the judiciary's struggle with insufficient resources.

The Constitution stipulates that all defendants have the right to an attorney, at public expense if necessary, but this right often is not respected in practice. Many destitute suspects receive little legal assistance, and few have access to an attorney sufficiently in advance of the trial to prepare a defense. For example, in Asuncion there are only 26 public defenders available to assist the indigent, and only 102 nationwide, although 25 new positions are planned. In practice public defenders lack the resources to perform their jobs adequately.

There were no reports of political prisoners. Of the more than 45 supporters of former General Lino Oviedo that were arrested after the 1999 killings of Vice President Argana and the student protesters, 10 remained in jail awaiting trial at year's end (see Sections 1.a. and 1.d.). They assert that they are being detained because of their political opposition to President Gonzalez Macchi.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides that the police may not enter private homes except to prevent a crime in progress or when the police possess a judicial warrant; however, at times the Government infringed on citizens' privacy rights. While the Government and its security forces generally did not interfere in the private lives of citizens, human rights activists claimed that local officials and police officers abuse their authority by entering homes or businesses without warrants and harassing private citizens. There were allegations that the Government occasionally spied on individuals and monitored communications for political and security reasons.

During the year, the authorities took steps to reduce the illegal conscription of minors, the mistreatment of recruits, and the large number of unexplained deaths of recruits (see Sections 1.a. and 1.c.). In March the Government established an Inter-Institutional Committee, including judges, attorneys, legislators, and NGO

representatives, that conducted visits around the country during the year to inspect conscripts' records and identify any minor soldiers. The Committee has the power to investigate and report on abuses and conditions. The Government is also working to establish review procedures for military recruits to prevent future enlistment of minors. The Government has ordered that all military officers responsible for recruiting ensure that all conscripts meet the legally minimum mandated requirement age of 18 for military service. In May a military court sentenced Colonel Julio Cesar Cardozo to

1 year in prison for not preventing the conscription of over 90 underage soldiers. Cardozo was found to have failed to take steps necessary to ensure that the minors were not enlisted based on falsified birth certificates. The armed forces no longer allow 17-year-olds to enlist with parental permission. However, there were still some reported violations, including allegations that military recruiters forced underage youths to join units and provided them with false birth certificates and other documentation to show them to be of age. In May the Committee reported that seven soldiers ranging from age 14 to 17 had been enlisted without any documents at all; the soldiers were discharged and returned to their families. In August the Committee discovered a 17-year-old who had been enlisted with a falsified birth certificate.

At least three soldiers under the age of 20 died while in military service during the year (see Section 1.a.). Since 1989, 111 underage conscripts have died while in military service. There were several allegations of mistreatment of military recruits by noncommissioned and commissioned officers (see Section 1.c.). In June the Coalition to Stop the Use of Child Soldiers reported that the average age of recruits is 16.4 years and seven underage soldiers have died. Amnesty International issued a report in April that noted that children as young as 12 constitute a large portion of conscripts, and that physical and psychological punishments of these conscripts continue. The report also cited reports of forcible recruitment of children and falsification of documents proving their age.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of expression and the press, and the Government generally respected these rights in practice.

The print and electronic media are independently owned; however, some media outlets are tied closely to political parties, factions of those parties, or business entities. The media commonly criticized the Government and freely discussed opposition viewpoints.

In September the Supreme Court struck down the operative provisions of the Administrative Transparency Law, enacted in July, as an unconstitutional infringement on access to information. The Inter-American Press Association (IAPA) criticized the law in July, stating that the law not only restricted citizens' access to information, but also gagged the press. The law, commonly known as the "Ley Mordaza" ("gag law"), included exemptions that restricted the public's access to official documents. At year's end, Congress was considering new provisions that would satisfy the constitutional issues raised by the Supreme Court.

In June the Committee to Protect Journalists (CPJ) petitioned President Gonzalez Macchi to intervene in the case of journalist Sever del Puerto. Del Puerto and his family received death threats, which may have been a result of his investigative stories on the possible involvement of several judges and the former interior minister Walter Bower in a robbery of an armored truck from the Asuncion airport. The police provided special protection for del Puerto and his family.

In October the IAPA released a report on violations of press freedom, including the harassment of journalists and media outlets. The report indicates that some politicians have sued or harassed journalists or news agencies that report on corruption or a politician's ties to illegal activities. In one case, on September 21, a judge in Concepcion convicted "ABC Color" reporter Telmo Tomas Ibanez of libel and slander and fined him \$4,130 (19 million guaranies). Ibanez was convicted after he published a story detailing the allegedly corrupt behavior of local officials. The case raised due process concerns amid allegations that the presiding judge refused to recuse himself despite conflicts of interest with both the plaintiffs and the accused. In November an appeals court overturned Ibanez's conviction on slander and libel charges. The trial court subsequently dismissed libel charges against other local officials who had made statements about their colleagues' alleged corruption.

In October the Supreme Court upheld an appellate decision striking the defamation conviction of reporter Pedro Benitez Aldama for his story on a real estate corruption scandal involving government employees. The decision held that the trial judge improperly had failed to consider evidence favorable to Benitez.

In May 2000, military authorities closed Radio 970 and Radio Asuncion after the failed coup attempt (see Section 3). The stations resumed operations during the year. A cease and desist order against "ABC Color" reporter Hugo Ruiz Olazar has been lifted.

There were no further developments in the December 2000 beating of journalist Maury Konig after he photographed a police station in Alto Parana department.

The Government does not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of all citizens to peaceful assembly, and the Government generally respects this right in practice; however, in some cases police used violent force against nonviolent assemblies.

The law restricts demonstrations in Asuncion to certain times and places, and specifically prohibits meetings or demonstrations in front of the presidential palace and outside military or police barracks. Some groups have opposed these restrictions. The law also requires that organizers notify the Asuncion police 24 hours before any rally downtown. The police may ban a protest but must provide written notification of the ban within 12 hours of receipt of the organizers' request. The law permits a police ban only if another party already has given notice of plans for a similar rally at the same place and time. This law does not apply to religious processions. The Constitution prohibits closing roads and bridges as a form of protest; however, protesters closed roads on several occasions.

In February an estimated 4,000 farmers in Alto Parana and Itapua protested rising utility and fuel prices, by blocking the highway between Encarnacion and Ciudad del Este with tractors and other farm equipment. The protestors organizer, Agustin Konrad of the Agricultural Association of Paraguay, met with the Ministers of Interior, Treasury, Public Works, and Agriculture, who said that they would discuss the farmer's demands once the protest was lifted.

Between March and September, opposition political factions and populist groups peaceably demonstrated against President Gonzalez Macchi and Vice President Franco. Labor unions continued to demonstrate demanding better working conditions, industrialists sponsored marches demanding economic reform, and peasant organizations closed roads on several occasions to bring attention to the needs of the rural population.

In March police fired tear gas canisters and rubber bullets on a group of teachers demanding payment of overdue wages in the town of J. Eulogio Estigarribia. Five teachers were injured, one seriously.

Also in March, dozens of farmers protesting against a local official in Curuguaty were injured after police broke up their demonstration. Police intervened after the protesters set fire to at least one car and tried to charge the city hall.

In July citizens in Ayolas, Misiones, alleged that local police violently dispersed peasant and labor marches with the consent of the local prosecutor.

From August through October, police injured a number of persons during protests against the mayor of San Joaquin.

In September police injured 50 protesters while breaking up a demonstration on the Friendship Bridge in Ciudad del Este. The demonstrators had blocked the bridge for several days and rejected Government offers of negotiation before the police moved in.

In November police used rubber bullets and clubs to disperse a group of medical professionals who were protesting cuts in hospital funding in front of the Senate building. According to press reports, three officers beat Guillermo Augero, the head of the Teachers Association of the country's Medical School. After an internal investigation, police officials disciplined officers implicated in the attack.

The Constitution provides for the right of all citizens to free association, and the Government generally respects this right in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice. The Government requires that all religious groups be registered with the Ministry of Education and Culture, but imposes no controls on these groups.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

All citizens may travel within the country with virtually no restrictions, and there generally are no restrictions on foreign travel or emigration. However, the persons allegedly involved with plotting the 2000 coup are not allowed to leave the country and must sign in with the Justice Ministry once a month (see Section 3). The Constitution prohibits closing roads and bridges as a form of protest; however, protesters closed roads on several occasions (see Section 2.b.).

The Constitution provides for the granting of asylum; however, there are no established provisions to grant asylum or refugee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Immigration Department determines each request on a case-by-case basis in consultation with the Ministries of Foreign Relations and Interior and the nongovernmental Committee of Churches. The issue of the provision of first asylum has never arisen.

There were no reports of the forced return of persons to countries where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have the right and ability to change their government through democratic means. Multiple parties and candidates contest the country's leadership positions. Four parties are represented in the Congress. The Constitution and the Electoral Code mandate general elections every 5 years, voting by secret ballot, and universal suffrage. Debate in Congress is free and frank. The Congress often rejects the executive branch's proposals.

International observers from the Organization of American States (OAS) characterized the August 2000 vice-presidential elections as free and fair. This was the first national executive election won by the opposition in over 50 years. Gubernatorial elections were held in April. In November municipal elections were held nationwide. There were no reports of irregularities, although the elections were marked by the lowest voter turnout (50 percent) since the end of the Stroessner dictatorship in 1989.

In May 2000, members of two army units and a group of National Police officers loyal to former General Lino Oviedo attempted to overthrow President Gonzalez Macchi. The coup attempt lasted less than 1 day, and the majority of the military remained loyal to the Government. The authorities arrested over 45 persons in connection with this event, a number of whom remained in detention at year's end; the Government also restricts the movements of those suspected of plotting the coup (see Sections 1.d., 1.e., and 2.d.). In November a court acquitted Congressman Conrado Papallardo of conspiracy charges arising from his alleged involvement in the coup attempt.

There are no legal impediments to women's participation in government and politics; however, in practice the percentage of women in government and politics does not correspond to their percentage of the population. There are 10 women in Congress

(7 of 45 senators and 3 of 80 national deputies), and there is 1 woman in the Cabinet. The new Electoral Code requires that 20 percent of each party's candidates in their internal primaries for elective office be women. Although women serve as judges and prosecutors, none are on the Supreme Court.

Members of indigenous groups are entitled to vote, and the percentage of indigenous people who exercised this right has grown significantly in recent years; however, in practice the percentage of members of indigenous groups in government and politics does not correspond to their percentage of the population. The inhabitants of some indigenous communities report that they were threatened and prohibited from fully exercising their political rights.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Human rights groups include the Committee of Churches (an interdenominational group that monitors human

rights, investigates refugee claims, and provides legal assistance), Tekojoja (a group dedicated to the protection of children's rights), and SERPAJ (a group that defends conscientious objectors and provides legal assistance to those with grievances arising from military service). CODEHUPY publishes an annual report on human rights, which was released on December 10. The report called for action against Alfredo Stroessner and Lino Oviedo for their roles in past political abuses. It also cited problems in the penitentiary system, the use of underage soldiers in the military, and the failure to adopt and enforce human rights laws. The Government did not restrict the activities of any human rights groups or advocates; however, it has a mixed record in cooperating with or responding to recommendations from such groups. Amnesty International visited the country in April to meet with government representatives on a range of human rights concerns; the representatives conducted a seminar on alternatives to juvenile incarceration, and inspected prisons and juvenile detention centers.

In October the Government named Manuel Paez Monges as its first human rights ombudsman (Defensor del Pueblo). The office had not received a budget from the Government at year's end; however, Monges had begun to review allegations of human rights violations from citizens.

The Director General of Human Rights, located in the Ministry of Justice and Labor, chairs the National Commission on Human Rights. The Commission sponsors seminars to promote human rights awareness. The Director General's office has access to the congressional, executive, and judicial authorities. It does not have subpoena or prosecutorial power, but the commission may forward information concerning human rights abuses to the Attorney General for action. It also serves as a clearinghouse for information on human rights and has trained thousands of educators in human rights law.

In 2000 the Ministry of Foreign Affairs established an Office of Human Rights. Although the office does not have an independent budget, the Director of Human Rights has participated in inspections and investigations of human rights abuses, particularly in the military and prison sectors.

The office of the Attorney General's Special Adviser on Human Rights has been extremely active in pursuing justice against human rights abusers from the Stroessner regime. Although the position has little real authority, the adviser is a strong spokesman for the human rights community and the rights of the disenfranchised and uses his position to identify and publicize human rights abuses by the Government. During the year, the Special Adviser received approximately 150 complaints regarding alleged human rights violations and sponsored several conferences on different human rights themes.

In August 2000, the Supreme Court established an office to oversee the conduct and prosecution of human rights cases.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution and other laws prohibit discrimination on race, sex, religion, disability, language, or social status; however, certain groups, such as indigenous people, faced significant discrimination in practice.

Women

The most pervasive violations of women's rights involved sexual and domestic abuse, which are underreported. Spousal abuse is common. Although the Penal Code criminalizes spousal abuse, it stipulates that the abuse must be habitual before being recognized as criminal, and then it is punishable only by a fine. Thousands of women are treated annually for injuries sustained in violent domestic altercations. CODEHUPY reports, according to a government survey, that from January to August 1 woman was killed every 12 days by a family member or other acquaintance. Between January and August, the Secretariat of Women's Affairs registered 533 cases of violence against women, a 25 percent increase over the same period in 2000. According to these surveys, between January and August 2000, 63 percent of the cases of violence against women were rapes.

According to women's rights activists, official complaints rarely are filed or they are withdrawn soon after filing due to spousal reconciliation or family pressure. In addition, the courts allow for mediation of some family violence cases, which is not provided for by the law. There are no specialized police units to handle complaints involving rape. The Secretariat of Women's Affairs chairs a national committee, made up of other government agencies and NGO's, that developed a national plan to prevent and punish violence against women. Under the plan, an office of care and orientation receives reports on violence against women and coordinates responses with the National Police, primary health care units, the Attorney General's office, and NGO's. However, in practice these services are available only in Asuncion, and women living elsewhere in the country rarely benefit from them. The Secretariat also conducts training courses for the police, health care workers,

prosecutors, and others.

The Women's November 25th Collective, an NGO, operates a reception center where female victims of violence can receive legal, psychological, and educational assistance. No shelters for battered and abused women are available outside the capital of Asuncion. Most imprisoned women reportedly were detained for assault, including murder, committed following domestic violence.

The law prohibits the sexual exploitation of women, but the authorities do not enforce the prohibitions effectively. Prostitution by adults is not illegal, and exploitation of women, especially teenage prostitutes, remains a serious problem. Law enforcement officials periodically stage raids on houses of prostitution.

There were reports of trafficking in women (see Section 6.f.).

The Labor Code prohibits sexual harassment; however, a majority of women in the workplace face sexual harassment. Claims of abuse are filed with the courts and the Ministry of Justice and Labor (which received two complaints during the year). Sex-related job discrimination continues to be common and widely tolerated. The Secretariat of Women's Affairs occasionally sponsors programs intended to give women free and equal access to employment, social security, housing, ownership of land, and business opportunities.

Women have much higher illiteracy rates than men; an estimated 16 percent of rural women are illiterate, compared with approximately 10 percent of rural men. In addition, maternal mortality rates are high, and as many as 65 percent of such deaths are related to poor medical care. Several groups work to improve conditions for women, including Women for Democracy, which is active in civic and electoral education. Other groups include SUMANDO, an NGO that promotes educational reform and voter participation in elections; and SEFEM, which focuses on women and public policy and the participation of women in local development.

In March the Government adopted a Protocol on the U.N. Committee for the Elimination of Discrimination Against Women (CEDAW) that allows CEDAW to receive and investigate complaints of abuses.

Children

The Constitution protects certain children's rights and stipulates that parents and the State should care for, feed, educate, and support children. The population is very young, with 39.5 percent under the age of 15 and 50.4 percent under the age of 20, according to 2000 census projections. According to a February 2000 census survey, 42 percent of children age 14 or younger lived in poverty, compared with 32 percent of the general population. Boys and girls are entitled to equal treatment in education and health care. However, female have less access to education, particularly in rural areas. The educational system does not provide adequately for the educational needs of the population. The Government has been unable to implement fully amendments to its General Education law, such as extending compulsory attendance through ninth grade, because of inadequate funds. Families pay a fee to cover each school's administrative expenses and must purchase books, uniforms, and other supplies for their children's use.

Abuse and neglect of children is a problem. A local NGO attributes a rise in the number of complaints of mistreatment of children during 2000 to the increased awareness of child abuse and neglect.

Sexual exploitation of children also is a problem. In a survey released during the year, the NGO "AMAR" identified 619 child victims of sexual exploitation, the vast majority of whom in Asuncion and Ciudad del Este. Approximately 33 percent of the victims were under the age of 16.

Trafficking in girls for the purpose of sexual exploitation is a problem (see Section 6.f.).

There continued to be reports of the forced conscription of underage youth (see Section 1.f.).

Children 14 and older are treated as adults for purposes of arrest and sentencing.

Child labor is a problem, and many children who work suffer from abuse, malnutrition, disease, and lack of access to education (see Section 6.d.).

In December the Government enacted the Childhood and Adolescence Act, which sets forth human rights provisions for children and establishes a mechanism for reviewing allegations of abuse.

Persons with Disabilities

The Constitution provides for equal opportunity for persons with disabilities and mandates that the State provide them with health care, education, recreation, and professional training. It further requires that the State formulate a policy for the treatment, rehabilitation, and integration into society of persons with disabilities. However, the Congress never has enacted legislation to establish such programs or provide funding for them. Many persons with disabilities face significant discrimination in employment; others are unable to seek employment because of a lack of accessible public transportation. The law does not mandate accessibility for the persons with disabilities, and the vast majority of the country's buildings, both public and private, are inaccessible.

Conditions at the Neuropsychiatric Hospital are substandard, and some patients reportedly are kept unclothed in cells and are not treated for their mental illnesses. The physical facilities of the hospital lack running water, electricity, or even roofs, and the hospital is severely understaffed. Children are housed with adults in the facility and have been subject to sexual assaults from older patients. In April a 14-year-old inmate died amid allegations of neglect and mistreatment (see Section 1.a.). No information is available on the Government's response to problems at this facility.

Indigenous People

The Constitution provides indigenous people with the right to participate in the economic, social, political, and cultural life of the country; however, the indigenous population, estimated at 75,000 to 100,000, is unassimilated and neglected. Low wages, long work hours, infrequent payment (or nonpayment) of wages, job insecurity, lack of access to social security benefits, and racial discrimination are common. Numerous indigenous groups have challenged Congress's proposed changes to the Indigenous Community Statute, which grants local groups the right to observe their traditional lifestyles and customs. Weak organization and lack of financial resources limit access by indigenous people to the political and economic system. Indigenous groups relied primarily upon parliamentary commissions to promote their particular interests. The Constitution also protects the property interests of indigenous people, but these rights still are not codified fully. The Constitution allows Public Ministry officials to represent indigenous people in matters involving the protection of life and property.

Lack of access to sufficient land also hinders the ability of indigenous groups to progress economically and maintain their cultural identity. In addition, there is insufficient police and judicial protection from persons encroaching on indigenous lands. The Government's National Indigenous Institute (INDI) has the authority to purchase land on behalf of indigenous communities and to expropriate private property under certain conditions to establish tribal homelands. However, there have been significant allegations of wrongdoing within INDI. Furthermore, many indigenous people find it difficult to travel to the capital to solicit land titles or process the required documentation for land ownership.

Other significant problems facing the indigenous population include lack of shelter and medical care, economic displacement resulting from other groups' development and modernization, and malnutrition. Scarce resources and limited government attention resulted in little progress in dealing with these problems. However, there were individual small successes that benefited indigenous people. In June the Government executed a court order and dislodged farm workers who took over the lands of the Mbya indigenous group in 1994. The Mbya had camped in front of the Congress for the last 2 years both in protest and for lack of a place to live.

In October the Supreme Court suspended the eviction notice against members of the Yakye Axe (Enxet) indigenous group in the Chaco after the OAS's Inter-American Commission on Human Rights filed a petition on the group's behalf.

Section 6 Worker Rights

a. The Right of Association

The Constitution allows both private and public sector workers (with the exception of the armed forces and the police) to form and join unions without government interference. The Constitution contains several provisions that protect fundamental worker rights, including an antidiscrimination clause, provisions for employment tenure, severance pay for unjustified firings, collective bargaining, and the right to strike. Approximately 121,000, or 15 percent, of workers are organized in approximately 1,600 unions.

In general unions are independent of the Government and political parties. One of the country's three labor centrals, the Confederation of Paraguayan Workers (CPT), traditionally was aligned closely with the ruling

Colorado Party.

All unions must be registered with the Ministry of Justice and Labor. Although the official registration process is cumbersome and can take several months due to government bureaucracy, since 1997 the Ministry of Justice and Labor has issued provisional registrations within weeks of application. Employers who wish to oppose the formation of a union can delay union recognition further by filing a writ opposing it. However, almost all unions that request recognition eventually receive it. The official process can take a year or more.

The Constitution provides for the right to strike, bans binding arbitration, and prohibits retribution against strikers and leaders carrying out routine union business; however, employers often took action against strikers and union leaders. Voluntary arbitration decisions are enforceable by the courts, but this mechanism is employed rarely. Senior Labor Ministry officials are available to mediate disputes.

The International Labor Organization (ILO) Committee of Experts has noted deficiencies in the application of certain conventions ratified by the Government. These include conventions dealing with minimum wage, abolition of forced labor, minimum age of employment, freedom of association, equal remuneration, and employment policy. The ILO specifically criticized regulations requiring a minimum of 300 workers to form a union as inconsistent with international norms regarding the freedom of association. In response to the ILO criticism, the Ministry of Justice and Labor no longer enforces the 300-worker minimum, although the requirement remains in the Labor Code.

There were numerous strikes by members of all three worker centrals and smaller unions. Many of the strikes were related to the firing of union officials, management violations of a collective contract, management efforts to prevent the free association of workers, or demands for benefits such as payment of the minimum wage or contribution to the social security system. During a series of protests against the executive branch between June and August, unions representing (among others) the water and telephone utilities, the Central Bank, teachers, and bus drivers went on strike. These strikes ended after government assurances that the employees' demands would be met, but few if any of these promises had been satisfied at year's end. For example, teachers returned to work after Congress promised to enact a labor statute specific to their profession, but such a law had not been passed at year's end. Antelco workers seeking to buy the telephone utility conducted strikes throughout the year to press for favorable terms in the upcoming privatization.

Unions are free to form and join federations or confederations, and they are affiliated with and participate in international labor bodies.

b. The Right to Organize and Bargain Collectively

The law provides for collective bargaining, and this provision is respected in practice. According to the Ministry of Justice and Labor, there are approximately 30 collective bargaining agreements in place. However, they were the exception rather than the norm in labor-management relations and typically reaffirmed minimum standards established by law. When wages are not set in free negotiations between unions and employers, they are made a condition of individual offers of employment.

The Constitution prohibits antiunion discrimination; however, the firing and harassment of some union organizers and leaders in the private sector continued. Union organizers sometimes are jailed for their role in leading demonstrations. Fired union leaders may seek redress in the courts, but the labor tribunals have been slow to respond to complaints and typically favored business in disputes. The courts are not required to order the reinstatement of workers fired for union activities. As in previous years, in some cases when judges ordered the reinstatement of discharged workers, the employers disregarded the court order with impunity. The failure of employers to meet salary payments also frequently precipitated labor disputes. Principal problems included bottlenecks in the judicial system and the inability or unwillingness of the Government to enforce labor laws. There are a number of cases in which trade union leaders, fired as long as 7 years earlier, have not yet been decided by the courts. The ILO and the International Confederation of Free Trade Unions have criticized the lack of measures to prevent antiunion discrimination and further have observed that legislation does not oblige labor courts to reinstate unfairly fired trade unionists.

There were also complaints that management created parallel or "factory" unions to compete with independently formed unions. There were several cases of workers who chose not to protest due to fear of reprisal or anticipation of government inaction.

There are no export processing zones. Maquiladora factories, which assemble imported parts for re-export, have been established in the eastern part of the country. The Mercosur trade association has accepted the country's maquiladora factories into its automotive regime.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced labor, including that performed by children; however, cases of abuse of national service obligations (compulsory military service for all males, unless exempted as conscientious objectors) occurred (see Section 6.d.). There were reports of conscripts forced to work as servants or construction workers for military officers in their residences or privately owned businesses. There also were allegations of forced conscription of underage youths (see Section 1.f.).

It is a common practice for families who cannot afford to raise a child, most often a daughter and at times as young as 5 years of age, to send her to relatives or colleagues, where she may be expected to work in exchange for room, board, and access to education.

Trafficking in women and girls is a problem (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

The Director General for the Protection of Minors in the Ministry of Justice and Labor is responsible for enforcing child labor laws; however, in general the Government does not have the resources to enforce minimum working age regulations, and child labor is a problem. National Census statistics report on the labor force as those aged 10 or older. Minors between 15 and 18 years of age may be employed only with parental authorization and cannot be employed in dangerous or unhealthy conditions. Children between 12 and 15 years of age may be employed only in family enterprises, apprenticeships, or in agriculture. The Labor Code prohibits work by children under 12 years of age.

The Statistics Bureau reported that from August to December 2000, 55 percent of boys between the ages of 10 and 19 worked. According to UNICEF, 1 in 3 children (some 462,000) between the ages of 7 and 17 work, many in unsafe conditions. Studies indicate that 42 percent of these children began working by the age of 8, and some 37 percent do not attend school. Thousands of children in urban areas, many of them younger than 12 years of age, are engaged in informal employment such as selling newspapers and sundries and cleaning car windows. Many of the children who work on the streets suffer from malnutrition, lack of access to education, and disease. Some employers of the estimated 11,500 young girls working as domestic servants or nannies deny them access to education and mistreat them (see Section 6.c.). Employers sometimes file false charges of robbery against those who seek to leave domestic jobs and turn them over to the police. In rural areas, it is not unusual for children as young as 10 years of age to work beside their parents in the field. Local human rights groups do not regard families harvesting crops together as an abuse of child labor.

On July 3, the Government ratified ILO Convention 182 on elimination of the worst forms of child labor.

The law prohibits forced or bonded labor by children; however, there were cases of forced conscription of underage youths and trafficking in girls for sexual exploitation (see Sections 1.f. and 6.f.).

e. Acceptable Conditions of Work

The executive, through the Ministry of Justice and Labor, has established a private sector minimum wage sufficient to maintain a minimally adequate standard of living for a worker and family. There is no public sector minimum wage. In practice most (but not all) government agencies adjust the hours of work for government workers to be paid at a rate comparable to the private sector minimum wage. The minimum salary is adjusted whenever annual inflation exceeds 10 percent, and it was approximately \$170 (782,186 guaranies) per month at year's end, according to the Ministry. However, the Ministry is unable to enforce the minimum wage and estimates that 50 percent of workers earn less. The Labor Code requires that domestic workers be paid at least 40 percent of the minimum wage and allows them to work up to a 12-hour day.

The Labor Code allows for a standard legal workweek of 48 hours (42 hours for night work), with 1 day of rest. The law also provides for an annual bonus of 1 month's salary and a minimum of 6 vacation days a year. The law requires overtime payment for hours in excess of the standard. However, many employers violate these provisions in practice. There are no prohibitions on excessive compulsory overtime. Workers in the transport sector routinely stage strikes to demand that their employers comply with the Labor Code's provisions on working hours, overtime, and minimum wage payments.

The Labor Code also stipulates conditions of safety, hygiene, and comfort. The Ministry of Justice and Labor and the Ministry of Health did not effectively enforce these provisions, due in part to a lack of inspectors and other resources.

Workers have the right to remove themselves from situations that endanger health or safety without jeopardy to their continued employment, but they may not do so until such conditions are recognized formally by the Ministries of Justice and Labor and Health. Although there are laws intended to protect workers who file complaints about such conditions, many employers reportedly took disciplinary action against them.

f. Trafficking in Persons

There is no specific legislation to prevent trafficking in persons, although the Penal Code prohibits sexual trafficking. There were sporadic reports of trafficking of women and girls for sexual purposes. Press reports indicate that up to 200 women may have been trafficked to Argentina in 2000 and in the early part of the year for purposes of prostitution. The reports suggest that traffickers falsely promise the women and girls jobs as models or domestic servants. In September three Argentine citizens were sentenced to prison terms in Argentina for trafficking Paraguayan women to work as prostitutes in Buenos Aires.